IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE J.CHELAMESWAR

WRIT PETITION No. 10195 of 1995

Between:

1 M.Prabhakara Reddy S/o Nagi Reddy
Primary Agriculture Co-Operative Society Kopparthy
C.K. Denne Mandal Curddapah Dist.
2 A.Radha Krishna S/o Narsimhulu
Primary Agriculture Co-Operative Society Chinnavarampadu
Kodur Mandal Curddapah Dist.
3 D.Nagalinga Reddy S/o Obulu Reddy
Primary Agriculture Co-Operative Society SomireddyPalli
Badvel Mandal Curddapah Dist.
4 U.Ramakrishna Reddy S/o Balathippa Reddy
Primary Agriculture Co-Operative Society Anantharajupuram
Badvel Mandal Curddapah Dist.
5 G.Subbanna S/o Subbaiah
Primary Agriculture Co-Operative Society Bakrapet,
Siddavatam Mandal Curddapah Dist.

..... PETITIONERS

AND

1 The Registrar Co-operative Societies
A.P. At Hyderabad
2 The District Level Committee Rep.by its the Convenor/General

Manager,Cuddapah District Co-operative Central Bank Ltd.,

Cuddapah.
3 The Special Officer Primary Agricultural Co-operative society,
Kopparthy, C.K. Denne Mandal,
Cuddapah Dist.
4 The Special Officer Primary Agricultural Co-operative society,
Chinnavarampadu Kodur Mandal
Cuddapah Dist.
5 The Special Officer Primary Agricultural Co-operative society,
Somireddypalli Badvel Mandal
Cuddapah Dist.

6 The Special Officer Primary Agricultural Co-operative society,
Anantharajapuram Badvel Mandal
Cuddapah Dist.

(RR 3 to 6 dismissed for default vide court order dt. 21.06.2001)

7 The Special Officer Primary Agricultural Co-operative society,
Bakrapet Siddavattam Mandal
Cuddapah Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, direction or order more appropriately one in the nature of writ of Mandamus or any other appropriate writ, order or direction declaring the action of the 2nd respondent in directing the 3rd respondent to 7th respondent to place the petitioners herein under suspension and to take further disciplinary action against the petitioners herein in his Rc.No.1840/M/95/Adm/ dt.03.05.1995 as illegal, unjust motivated and without jurisdiction and consequently set aside the order of the 2nd respondent in Rc.No.1840/M/95/Adm dated 03.05.1995 and pass such other order or orders.

Counsel for the Petitioners: MR.L.J.VEERA REDDY

Counsel for the Respondent Nos.1.2 & 7: GP FOR COOPERATION

The Court made the following:

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ORDER:

Aggrieved by the proceedings dated 03.05.1995 in Rc.No.1840/M/95 Adm. of the District Level Committee for Employees of PACS-cum-District Cooperative Central Bank Limited, Cuddapah, this writ petition is filed by five petitioners.

2. By the impugned proceedings, the concerned special officers of the Primary Agricultural Cooperative Societies, of which these petitioners are the employees, were advised to keep all the five petitioners under suspension. No consequential proceedings were issued. However, before any consequential proceedings, as advised, could be issued, the petitioners approached this court by way of the present writ petition.

3. By an interim order dated 23.05.1995 in WPMP.No.12575 of 1995, the learned single Judge of this Court directed that the petitioners shall not be relieved from their duties till the next date of hearing, if they are not already relieved.

4. Counter affidavit is filed on behalf of the

1st respondent. From the perusal of the counter affidavit, it appears that each one of the petitioners is alleged to have been involved in the cases of misappropriation of funds of the society, of which each of the petitioners is employed.

5. The only submission made by the learned counsel for the petitioners is that the proceedings dated 03.05.1995 is not authorized by any law and therefore, they are illegal. The relevant portion of the proceedings reads as follows:

> "In pursuance to the report of the Dist.Cooperative Officer, Cuddapah, the Dist.Level Committee constituted for employees of PACS in their meeting held on 29.04.1995, examined the cases of Secretaries of PACS involved in the misappropriation cases in the various PACS in Cuddapah District and against whom the prosecution orders passed by the District Collector, Cuddapah and resolved to recommend to the PACS concerned to take further disciplinary action against the Secretaries besides suspending them from service.
>
> Accordingly the Special Officer, Kopparthy PACS in R.K.Nagar, Cuddapah Branch area is advised to place Sri M.Prabhakara Reddy, Secretary, working in Kopparthy PACS and take disciplinary action against him for the reason that he was involved in misappropriation of amount of Rs.1,84,675/- in Nandimandalam PACS and Vellatur PACS and the District Collector, Cuddapah has also sanctioned prosecution orders in Rc.No.232/92, dt.9.6.93, 6536/90-E, dt.1.9.92 against him."

6. It can be seen from the language of the above proceedings that it was only in the form of an advice to the concerned Special Officers of the Societies of which the petitioners were employees. The advice was neither acted upon nor permitted to be acted upon.

7. No doubt the counter does not disclose as to what exactly the legal nature of the District Level Committee for Employees of the PACS. Nothing is brought to my notice to establish that it has any statutory authority or statutory function.

8. In the circumstances, the advice, such as the one tendered under the impugned proceedings, does not have any efficacy to bind the recipients of the advice. It is a different matter that if the recipients accept the advice and take any action, then the petitioners would be required in law to defend such action. No such action is taken in this case so far.

9. In the circumstances, I do not see any reason to grant any relief such as the one prayed for in the writ petition.

10. The Writ Petition is devoid of merits and the same is dismissed. No costs.

dsr/krk

ASSISTANT REGISTRAR

To:

1. The Registrar, Cooperative Societies,

A.P.at Hyderabad

2. The Convenor/General Manager,

The District Level Committee,

Cuddapah District Cooperative Central Bank Ltd.,

Cuddapah

3. The Special Officer,

Primary Agriculture Cooperative Society,

Kopparthy, C.K.Denne Mandal, Cuddapah Dist.

4. The Special Officer,

Primary Agriculture Cooperative Society,

Chinnavarampadu, Kodur Mandal, Cuddapah District

5. The Special Officer,

Primary Agriculture Cooperative Society,

Somireddypalli, Badvel Manda, Cuddapah Dist.

6. The Special Officer,

Primary Agriculture Cooperative Society,

Anantharajapuram, Badvel Mandal,Cuddapah Dist.

7. The Special Officer,

Primary Agriculture Cooperative Society,

Bakrapet, Siddavattam Mandal, Cuddapah Dist.

8 . Two CCs to the Government Pleader for Cooperation,

High Court Buildings, Hyderabad (OUT)

9. Two CD copies.